

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	Multiple Dates (2011 – 2014)
Date/Time of COPA Notification:	Multiple Times
Involved Officer #1: Accused Officer (the “Accused”)	[REDACTED] / Star # [REDACTED] / Employee # [REDACTED] DOA: [REDACTED], 1987 / Sergeant / Unit [REDACTED] DOB: [REDACTED], 1964 / Female / Hispanic
Involved Individual #1: Complainant	[REDACTED] / DOB: [REDACTED], 1957 Male / Black / Former CPD Detective
Case Type:	Domestic / Misuse of Department Equipment

I. ALLEGATIONS

Officer	Allegation	Finding
Sgt. [REDACTED]	<p>1. Complainant alleges that, during an unspecified date and time, the Accused lied and had him falsely arrested in violation of Rule 2.</p> <p>2. Complainant alleges that, during an unspecified date and time, the Accused verbally abused him in violation of Rules 8 and 9.</p> <p>3. Complainant alleges that, during an unspecified date and time, the Accused physically abused him in violation of Rules 8 and 9.</p> <p>4. Complainant alleges that, on November 26, 2014, the Accused used her position to obtain his personal information by searching and locating his current address in violation of Rule 13.</p> <p>5. Complainant alleges that, on August 24, 2011, near [REDACTED] the Accused damaged his wife’s vehicle in violation of Rules 2 and 3.</p>	NOT SUSTAINED NOT SUSTAINED NOT SUSTAINED NOT SUSTAINED NOT SUSTAINED

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

6. Complainant alleges that, on August 24, 2011, near [REDACTED] the Accused intimidated his wife with her vehicle by speeding and then stopping before actually hitting her in violation of Rules 2 and 3.	NOT SUSTAINED
7. Complainant alleges that, on August 24, 2011, near [REDACTED] the Accused threatened his wife in violation of Rules 2 and 3.	NOT SUSTAINED

II. SUMMARY OF EVIDENCE²

This case involves a Complainant who was a former CPD detective and an Accused officer who is a current CPD sergeant.³ COPA has interviewed the Complainant and the Officer and also attempted to interview a civilian witness who was not cooperative. Additionally, COPA requested and received information from Illinois State Police (“ISP”) and CPD as well as reviewed court and police documents.

Detective reports indicate that the Complainant and the Accused got into multiple verbal and physical altercations as a couple, but that neither of them was a predominant aggressor and neither of them pursued criminal charges against the other. For example, one report stated that “[b]oth parties expressed that this was a regrettable situation. They are each seeking counsel and wish to proceed in a civil manner. No information gathered by the R/D indicates a wanton criminal act, nor does the reported victim intend to pursue charges.”⁴ In another report, detectives noted that the “investigation revealed that both parties were mutual combatants involving the battery and R/D had [REDACTED] sign a refusal to prosecute for criminal damage to the property.”⁵ Both parties were “advised to seek professional counseling and DV info [was] given along with order of protection info.”⁶

COPA also received information from ISP regarding the Accused’s use of department databases. ISP indicated that there were no searches for the Complainant on LEADS in all of 2014.⁷ Additionally, CPD records show that there were no Hot Desk searches for inquiries on the Complainant in all of 2014.⁸

²COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

³ See, e.g.

⁴ Att. 57 at 4.

⁵ Att. 54 at 3.

⁶ *Id.*

⁷ Att. 49.

⁸ Att. 51.

The Complainant stated that he received forwarded mail from the Accused on November 26, 2014, and the letter itself was dated November 19, 2014.⁹ The Accused stated that she happened upon the Complainant's address when she was training on the Accurint Law Enforcement ("Accurint") database starting in July of 2014.¹⁰ Sgt. [REDACTED] of CPD informed IPRA in a telephone conversation that the Accused was granted access to Accurint from July 26, 2014 until September 21, 2014, with a possible extension of five or six days as a grace period.¹¹ The Accused accessed Accurint on four occasions in 2014: twice on August 29; once on September 10; and once on September 21.¹² The Accused ran a total of thirty queries during that time, including a comprehensive report on herself.¹³ According to Sgt. [REDACTED] it is probable that the Complainant's information came up in the Accused's comprehensive report.

COPA attempted to speak to the Complainant's wife, but she did not respond. In a phone conversation with the Complainant, he claimed—without corroborating evidence—that his wife and the Accused engaged in a domestic incident.¹⁴ In the same phone conversation, the Complainant stated that his wife did not want to speak with, or provide a statement to IPRA investigators, as doing so might "stir things up" after things had been fine between the two women since the incident.¹⁵ CPD records¹⁶ indicate that the Complainant's wife, Ms. [REDACTED] reported that "she had parked her car on the street and was looking out of her residence window" when she saw someone rip the driver side mirror off her car. Ms. [REDACTED] described the offender as a white female between 28 and 34 years old.

III. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more

⁹ Att. 4; Att. 6.

¹⁰ Att. 92.

¹¹ Att. 46.

¹² *Id.*

¹³ *Id.*

¹⁴ Att. 39.

¹⁵ *Id.*

¹⁶ Att. 28; Att. 29.

probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the conduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g.*, *People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

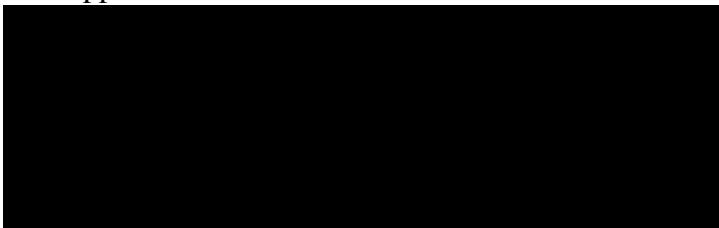
IV. ANALYSIS AND CONCLUSION

The first three allegations concern the arguments and physical contact between the Complainant and the Accused. As stated in more than one CPD report, and as conceded by the parties, the estranged spouses were mutually aggressive with one another and both engaged in verbal and physical acts against the other. Because both parties were equal parts of the disputes, and neither carries more blame than the other, **Allegations 1, 2, and 3** against Sgt. [REDACTED] are **NOT SUSTAINED**.

The fourth allegation concerns the Accused using her access to law enforcement databases to figure out her husband's address. The Accused concedes that she saw the Complainant's address while logged into a law enforcement database. However, as explained by Sgt. [REDACTED] it is probable that the Complainant's address came up when the Accused searched for herself on the Accurint database, as she contended. There is insufficient evidence to prove whether the Accused's intention in searching for her own name was to discover the Complainant's address or part of a training exercise; accordingly, **Allegation 4** is **NOT SUSTAINED**.

The last three allegations concern the Accused engaging in unjustified altercations with the Complainant's wife. While the Complainant claims to have knowledge of these events, that knowledge is supposedly based on what his wife told him. However, his wife refused to speak to COPA to provide any information. Additionally, his wife's description to CPD of the offender does not match the Accused's description. The Accused is Hispanic, not white, and she was 47 at the time of the incident, not 28-34. The evidence points towards these actions not taking place, but it is not clear and convincing; accordingly, **Allegations 5, 6, and 7** are **NOT SUSTAINED**.

Approved:



March 18, 2019

Date

Deputy Chief Administrator – Chief Investigator

Appendix A

Assigned Investigative Staff

Squad#:	4
Investigator:	[REDACTED]
Supervising Investigator:	[REDACTED]
Deputy Chief Administrator:	[REDACTED]